

KANE LAW FIRM

Brad S. Kane (SBN 151547)
bkane@kanelaw.la
1154 S. Crescent Heights. Blvd.
Los Angeles, CA 90035
Tel: (323) 697-9840
Fax: (323) 571-3579

Trey Brown (SBN 314469)
trey.brown@vixenmediagroup.com
11271 Ventura Blvd., #717
Studio City, CA 91604

Attorneys for Defendants

VXN GROUP LLC and MIKE MILLER

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

MACKENZIE ANNE THOMA,
a.k.a. KENZIE ANNE, an
individual and on behalf of all
others similarly situated,

Plaintiff,

v.

VXN GROUP LLC, a Delaware
limited liability company; MIKE
MILLER, an individual; and DOES
1 to 100, inclusive,

Defendants.

Case No. **2:23-cv-04901 WLH (AGR_x)**

**DECLARATION OF TREY BROWN
IN SUPPORT OF DEFENDANTS'
RENEWED MOTION FOR
SANCTIONS PURSUANT TO RULE
37(e) AND THE COURT'S INHERENT
POWER**

Complaint Filed: April 20, 2023
Removed: June 21, 2023

1 I, Trey Brown, hereby declare as follows:

2 1. I am an attorney licensed to practice law in the State of California. I
3 am In-House counsel for Defendant VXN Group, LLC (“VXN”), as well as an
4 attorney of record for VXN and Defendant Mike Miller in this matter. I am
5 personally familiar with, and, if called upon, could and would testify to the facts
6 contained herein from my personal knowledge.

7 2. A true and correct copy of Ms. Thoma’s December 21, 2022 “Record
8 Request for Mackenzie Anne Thoma” is attached hereto as “Exhibit A”.

9 3. A true and correct copy of VXN’s January 11, 2023 response to the
10 above letter is attached hereto as “Exhibit B”.

11 4. A true and correct copy of relevant excerpts from Ryan Murphy’s
12 (a.k.a. Ryan Kona) deposition transcript (“*Murphy Depo.*”) is attached hereto as
13 “Exhibit C”.

14 5. A true and correct copy of Ms. Thoma’s Responses to Defendant VXN
15 Group, LLC’s Requests for Production of Documents is attached hereto as “Exhibit
16 D.”

17 6. A true and correct copy of Murphy’s initial September 24, 2024
18 production of text messages between him and Ms. Thoma is attached hereto as
19 “Exhibit E.”

20 7. A true and correct copy of excerpts from Mackenzie Anne Thoma’s
21 (a.k.a. Kenzie Anne) deposition transcript (“*Thoma Depo.*”) is attached hereto as
22 “Exhibit F.”

23 8. A true and correct copy of Defendants’ email correspondence with
24 Mainboard, LLC on June 13, 2024 and June 18, 2024 is attached hereto as “Exhibit
25 G.”

26

27

28

1 9. A true and correct copy of Murphy's September 26, 2024
2 supplemental production of text messages between him and Ms. Thoma, taken from
3 Ms. Thoma's phone, is attached hereto as "Exhibit H."

4 10. A true and correct copy of Defendants' Subpoenas served on Ryan
5 Murphy is attached hereto as "Exhibit I."

6 11. A true and correct copy of Plaintiff's letter to Ryan Murphy on May
7 29, 2024, is attached hereto as "Exhibit J."

8 12. A true and correct copy of Ryan Murphy's Responses to Defendants'
9 Notice of Intent to Serve Subpoena (June 7, 2024), is attached hereto as "Exhibit
10 K."

11 13. A true and correct copy of Defendants' correspondence with Meta
12 Platforms, Inc. is attached hereto as "Exhibit L."

13 14. A true and correct copy of Ryan Murphy's Supplemental Responses
14 to Defendants' Subpoena is attached hereto as "Exhibit M."

15 15. A true and correct copy of portions of the transcript from the July 19,
16 2024, Information Discovery Conference is attached hereto as "Exhibit N."

17 16. A true and correct copy of Ryan Murphy's Second Supplemental
18 Responses to Defendants' Subpoena is attached hereto as "Exhibit O."

19 17. A true and correct copy of Plaintiff's and Defendants' counsel's
20 emails relating to the Deposition of Ryan Murphy is attached hereto as "Exhibit P."

21 18. A true and correct copy of Ryan Murphy's Privilege Log is attached
22 hereto as "Exhibit Q."

23 19. A true and correct copy of excerpts from Larry Lerner's deposition
24 transcript ("*Lerner Depo.*") is attached hereto as "Exhibit R."

25 20. A true and correct copy of the Declaration of Larry Lerner (*sans*
26 *original exhibits*) dated December 18, 2024 is attached hereto as "Exhibit S."

21. A true and correct copy of Plaintiff's State Court Requests for Production of Documents (Set One) is attached hereto as "Exhibit T."

22. Plaintiff's counsel declined to substantiate or produce proof of the alleged death threat made on Murphy when Defendants asked.

23. Murphy did not attend the deposition that was originally scheduled.

24. Defendants served a subpoena on Oscar Hernandez to attend a reposition on August 27, 2024, but the witness failed to appear.

25. By the close of Phase I discovery Murphy did not produce any of the materials he said he "will produce" in his Supplemental Responses save for some of his text messages with Plaintiff.

26. By the close of Phase I discovery, Ms. Thoma did not produce any materials, documents, or communications in support of her claim that she was an employee and a model for VXN.

27. The parties met and conferred regarding the motion on October 31, 2024, and again on December 11, 2024, but were unable to resolve the dispute.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on January 24, 2025, at Los Angeles, California.

/s/ Trey Brown
Trey Brown